1944

File No. Cotton cloth and yarn (control) II/44

Legal Department.

B **BRANCH**

Subiect:—

Rules and Notifications

under the cotton cloth and

yarn (control) order, 1943

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[redacted]

Office of the R.L.A.

A revised draft notification amalgamating F D. (Supply) notifications at pages 29-32 ante is sent herewith.

2. A specific provision is made in new clause 3 providing for the period for which a license ma be granted or renewed. F.D. (Supply) draft provi des for the same amount of fee for the grant and renewal of a license. It is for the consideratio of the F.D. (Supply) whether a leasser fee should not be charged for the renewal of ~~X~~ a license.

3. It would be for the F.D. (Supply) as an administrative Department to consider whether any further provisions are necessary for the smooth and satisfactory working of the Order. If any such provisions are necessary the order may have to be suitably modified.

Sd/-

Remembrancer of Legal Affairs.

U.R. to F.D.(Supply), No. 13-P-Confl., dated the 10th June 1944.

EVY. 16/7.

17/7

K.S.R.
17/7

Finance Department (Supply)
Bombay Castle, June 1944.

ORDER.

Defence of India Rules.

No. 24/3 :- In exercise of the powers conferred by sub-rule (2) of rule 81 of the Defence of India Rules, the Government of Bombay is pleased to amend the order published in Government Notification General Department No. 24/3 dated 31st July 1942, as follows, namely:-

In the said order for the words "the Yarn Commissioner for the Province of Bombay" wherever they occur the words "the Provincial Textile Controller, Bombay" shall be substituted.

By order of the Governor of Bombay,

Secretary to Government.

Office of the R.L.A.

A revised draft notification is sent herewith It is presumed the reference to the "Provincial Textile Controbler Bombay" in the draft at page 5 ante is a mistake, and a reference to the "Yarn Commissioner" is intended as proposed by the Yarn Commissioner at page 1 and agreed to by the P.T.C. at page 3 and F.D. (Supply) at page 4.

Id/- P.N.M.
Remembrancer of Legal Affairs.

U.R. to F.D.(Supply) No. 5388, dated the 31st July 1944.

EVY. 16/7.

Office of the R.L.A.

It is desired to make the following provision in the new order, namely;-

(i) To fix factory and retail prices of hand-printed cloth.

(ii) To order and printers to mark such prices on the cloth processed by them.

(iii) That after a specified date no hand printed cloth which is not price marked should be sold.

(iv) That unprice marked hand printed cloth remaining with dealers after a specified date should be sealed and that such cloth should be stamped with retail prices as was done in the case of untexmarked cloth after 31-12-43.

(v) That fees should be charged for stamping such unprice-marked cloth.

2. Clause (i) in para.1:- Clause 15B of the Cotton Cloth and Yarn (Control) Order, 1943, enables, as already stated in R.L.A's opinion No. 6389 dated the 12th September 1944 at page 87 ante., the provincial Government or such authority as may be notified by them in that behalf, to fix the ex-factory maximum price of hand printed cloth. It does not however enable the provincial Government or such other authority to fix the retail prices. However this power may be exercised by the Textile Commissioner under clause 10(b).

3. Clause (ii) in para. 1:- Under clause 10(c), the Textile Commissioner can specify in a notification the markings to be made on the cloth manufactured by a manufacturer. Manufacturer as defined in clause 3(c) would include a "hand-printer".

4. Clause (iii) in para. 1:- Since the date

prescribed in clause 14(1)(b) has passed, under clause 15A any cloth not disposed of within the period specified in that clause can only be sold subject to the conditions notified in that behalf by the Textile Commissioner. It is possible therefore for the Textile Commissioner to specify a date after which no hand-printed cloth which is not pricemarked shall be sold.

5. Clause (iv) in para. 1:- under clause 19(c), the Tectile Commissioner can if he has reason to believe that any person has contravened any provision of that Order authorise any person to seize any cloth in respect of which he has reason to believe that a contravention of that Order has been committed. He can therefore authorize the seizure of such cloth and get it stamped under clause 15A.

6. Clause (v) in para 1:- Clause 15A provides for the fees payable for the special markings to be made on cloth which has not been disposed of within the period specified in clause 14. It would thus appear that if the exemption granted by the Textile Commissioner to hand-printed cloth under clause 15 is taken away all necessary action can be taken by the Textile Commissioner under the Cotton Cloth and Yarn (Control) order, 1943. Under clause 21 the Textile Commissioner can, with the sanction of the Central Government and by general or special order in writing authorise any person to discharge on his behalf all or any of ~~the~~ his functions under that order other than those specified in clauses 9 and 10. It is therefore possible for the Textile Commissioner to authorize the provincial Textile Controller to take action referred to in all those clauses except the fixing of whole-sale and retail maximum prices under clause 10(b). If this power also is desired to be exercised by the Provincial Textile Controller that Order will require amend-

ment. Since such amendment can only be made by the Central Government it will have to be approached for the purpose. It is therefore neither necessary nor desirable to issue a provincial Order as proposed.

Sd/- P.N.M.
Remembrancer of Legal Affairs.

U.R. to F.D. (Supply), No. 7735, dated the 7th November 1944.

EVY. 17/8.